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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,879

01/16/2004

Bryan Bellafore

8427

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3000 7590 01/24/2007  
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COHEN & POKOTILOW, LTD.  
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EXAMINER

SCHATZ, CHRISTOPHER

ART UNIT

PAPER NUMBER

1733

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/759,879

Applicant(s)

BELLAFORE ET AL.

Examiner

Christopher T. Schatz

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6 and 19-30 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-18 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Double Patenting***

1 The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2 Claims 1-4 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,517,661 in view of Curiel '290. U.S. Patent No. 6,517,661 discloses all of the limitations of claims 1-4 with the exception of directing the container with the adhered label to an irradiating station. Curiel discloses a method of applying a label to a container wherein after the label is placed on the container, said container and label are directed toward an irradiating station to cure the adhesive (figures 1 and 2, column 3, lines 5-64, column 4, line 45 – column 5, line 65). Directing a container with a label adhered on said container to a irradiation station will cure the radiation curable adhesive such that said label is better secured to said container. Therefore, at the time of the invention it would have

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been obvious to a person of ordinary skill in the art to modify the method disclosed by the claims of U.S. Patent No. 6,517,661 by directing the container to an irradiation station after the label has been placed on said container as taught by Curiel. Such a modification would better adhere the label to the container.

3        Claims 1-4 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,939,428 in view of Curiel '290. U.S. Patent No. 6,939,428 discloses all of the limitations of claims 1-4 with the exception of directing the container with the adhered label to an irradiating station. Curiel discloses a method of applying a label to a container wherein after the label is placed on the container, said container and label are directed toward an irradiating station to cure the adhesive (figures 1 and 2, column 3, lines 5-64, column 4, line 45 – column 5, line 65). Directing a container with a label adhered on said container to a irradiation station will cure the radiation curable adhesive such that said label is better secured to said container. Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the method disclosed by the claims of U.S. Patent No. 6,939,428 by directing the container to an irradiation station after the label has been placed on said container as taught by Curiel. Such a modification would better adhere the label to the container.

4        Claims 1-4 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,517,661 in view of Curiel '290. U.S. Patent No. 6,517,661 discloses all of the limitations of claims 1-4 with the exception of directing the container with the adhered label to an irradiating station. Curiel discloses a method of applying a label to a container wherein after the label is placed on the container, said container

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and label are directed toward an irradiating station to cure the adhesive (figures 1 and 2, column 3, lines 5-64, column 4, line 45 – column 5, line 65). Directing a container with a label adhered on said container to a irradiation station will cure the radiation curable adhesive such that said label is better secured to said container. Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the method disclosed by the claims of U.S. Patent No. 6,517,661 by directing the container to an irradiation station after the label has been placed on said container as taught by Curiel. Such a modification would better adhere the label to the container.

#### *Allowable Subject Matter*

5. Claims 7-18 are allowed.

Curiel is considered the closest prior art. The reference discloses a method as discussed above, and further discloses the use of wherein an irradiating station acts to partially cure said adhesive through a specified thickness. However, the reference does not disclose a method wherein the adhesive is exposed to at least two different wavelength ranges of radiation to selectively act at different regions through the thickness of the adhesive. No prior art exists that would motivate one of ordinary skill in the art to modify Curiel such that the limitations of claims 7 and 13 are met.

#### *Response to Arguments*

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection. The 35 U.S.C. 102(b) rejection presented in sections 6

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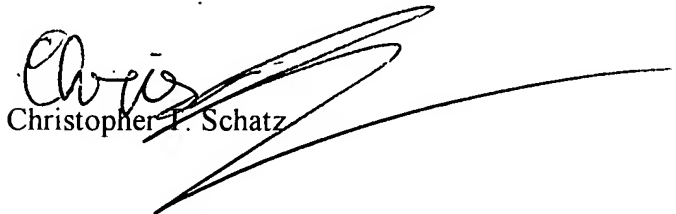
and 7 of the office action dated July 6, 2006 has been withdrawn because of applicant's amendments to claim 1.

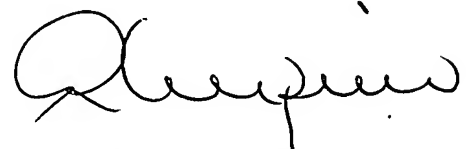
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher T. Schatz** whose telephone number is **571-272-1456**. The examiner can normally be reached on 8:00-5:30, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Christopher T. Schatz



RICHARD CRISPINO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700